

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-12, 14, and 17-19 are pending. Claims 13, 15, and 16 have been cancelled without prejudice or disclaimer. Claims 1-12, 14, 17, and 18 have been amended. Claim 19 has been added.

I. Claim Objections

The Examiner indicated that claim 11 would be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 10 should claim 10 be found allowable. Applicants have amended claims 10 and 11 to recite respectively a hot key combination feature and a pointing device click feature. Therefore, amended claims 10 and 11 are not substantial duplicates of each other. Accordingly, the Examiner should not object to claim 11.

II. Claim Rejections — 35 U.S.C. § 112

The Examiner rejected claim 1, pointing to the phrase “such as” in line 25. In addition, the Examiner rejected claim 7, pointing to the limitation “said dialer” in line 1. Applicants have removed the “such as” language in claim 1 and have followed the Examiner’s recommendation to change “said dialer” to said dialer program in claim 7. Therefore, the Examiner’s rejection is overcome.

III. Double Patenting

The Examiner rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,240,168. Applicants have submitted a terminal disclaimer herewith with respect to the ‘168 Patent. Therefore, the Examiner’s rejection is overcome.

IV. Claim Rejections — 35 U.S.C. § 102

The Examiner rejected claims 1-7, 10-16, and 18 under 35 U.S.C. § 102(e) as being anticipated by Langlois et al. (U.S. Patent No. 6,018,571). Applicants respectfully traverse the rejection. However, Applicants have amended claims 1-12, 14, 17, and 18 to more precisely describe embodiments of the present invention.

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Embodiments of the present invention relate to methods and apparatus for a computer coupled to a telephony device. An operating system of the computer runs a dialer program and at least one application program that differs from the dialer program. The application program is not a telephone application program or operating system navigation utility, such as the Windows 95 system tray. The dialer program has an associated phone book file that is not associated with the application program. The dialer program determines activity status of the application program.

The dialer program retrofits a dialer representation on a title bar of a window of the application program only when the application program is active. When a user selects the retrofitted dialer representation, the dialer program accesses a phone book file to search for a number to be dialed by the dialer program. The searching of the phone book file is based on a search key, which includes text displayed in a window of the application program. The text is highlighted by the user before the user selects the retrofitted dialer representation.

Accordingly, from within any active application program, a user may highlight text and click on a dialer icon. The clicking triggers the searching, by the dialer program, of a phone book file based on the highlighted text. The user does not need to drag-and-drop or copy and paste text into the dialer program. Instead, searching occurs automatically.

Langlois et al. discloses an interactive system that includes a telephone software application. The software application includes a main window display 57 with buttons that a user may press to emulate telephone functions. The main window display 57 may be minimized such that a tray icon 109 appears in the Windows 95 taskbar. When the icon is selected, the tray window is displayed. The tray window provides access to basic functions of the application 17. (Col. 9, line 67 through col. 10, line 2.)

Langlois et al. also discloses that dragging and dropping are used to perform a search:

[T]he user can drag and drop (i.e. cut and paste) text from another application in order to make a call or perform a search. Thus, from the idle state (FIG. 19a), *the user can highlight a portion of text 159 (usually a person's name) from another application which supports drag and drop functionality..., and drag the text out of the application and into window 57. As the user drags the text over the Name field 153, a drop symbol 161 appears under the mouse pointer (FIG.*

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19b). *Upon dropping the text in the Name field 153, the Phonebook is automatically searched and in response to a match the default number associated with the matched name is displayed in Number field 151 (FIG. 19c).*

(Column 15, lines 19-32; emphasis added.)

Unlike embodiments of the present invention, as manifested in amended claims 1 and 14 and new claim 19, Langlois et al. does not teach, disclose, or suggest a dialer program that retrofits a dialer representation on an active application program, where the application program is not an operating system navigation utility. In addition, Langlois et al. does not teach, disclose, or suggest that searching is triggered by selecting the retrofitted representation, or that searching is based on text in the application program which has been highlighted by a user.

On the contrary, in Langlois et al., an icon for a dialer program is included in the Windows 95 system tray. When a user selects the icon, a tray of functions appears. The user must then manually invoke chosen functions. Moreover, in Langlois et al., a user must manually drag and drop text from an application program into the Name field of the dialer program. Searching cannot occur unless the user manually drags and drops the text into the dialer program.

For at least the above reasons, claims 1, 14, and 19 are not anticipated by Langlois et al., and the Examiner's rejection must be withdrawn. Claims 2-12, 17, and 18 depend from independent claims 1 or 14. As such, these claims are not anticipated by Langlois et al. for at least the above-stated reasons.

V. Claim Rejections — 35 U.S.C. § 103

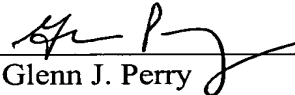
The Examiner rejected claims 9 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Langlois et al. in view of well known prior art (MPEP § 2144.03). Because claim 9 depends from claim 1 and claim 17 depends from claim 14, claims 9 and 17 are allowable for the above-stated reasons. Furthermore, Applicants ask that the Examiner provide a reference to confirm the Examiner's assertion that it is well known in the art for a dialer program to launch a web browser program when the user selects text which is a URL.

CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Attached is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned **“Version with markings to show changes made”**.

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) An apparatus comprising:

a computer controlled by an operating system program and [a plurality of driver programs for peripheral devices and one or more application programs, said operating system including] having a telephone function library of programs that control the computer to implement conventional telephone functions [such as dialing DTMF tones, flash signals etc.], said operating system controlling said computer to implement a telephony application programmatic interface[, hereafter referred to as] (TAPI), [comprised of] comprising a plurality of function calls [each of which] that may be invoked to implement [a known telephony function by invoking into execution one or more of said programs in said telephone function library] various telephone functions, said operating system being configured to run a dialer program and at least one application program that differs from the dialer program,

wherein the at least one application program does not comprise a telephone application program or an operating system navigation utility,

wherein the dialer program has an associated phone book file, the phone book file not being associated with the at least one application program, and

wherein the dialer program determines activity status of the at least one application program;

a TAPI compliant telephony [peripheral] device (TAPI device) [capable of digital communication with said computer and] coupled to said computer by a data path and structured for connection to a telephone line from a telephone service provider, said TAPI [compliant telephony] device being interfaced with a TAPI compliant driver program, said driver program [structured to be] being capable of [carrying out] receiving telephone function commands [issued by one or more] from said programs in [execution from] said telephone function library and converting them to commands and/or signals specific to said TAPI device and of sending said commands and/or signals to said TAPI device to cause it to carry out telephone functions [so as to control the computer to implement a conventional telephone function for each function call in said TAPI];

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a keyboard [peripheral] coupled to said computer for providing user inputs;
a pointing device [peripheral] coupled to said computer for providing user inputs; and
a video display [peripheral] coupled to said computer[;],

[and wherein said operating system contains or is coupled to a TAPI compliant dialer program which is coupled to said TAPI compliant telephony device through said computer and which is capable of controlling said TAPI compliant telephony device to provide selected forms of call control functionality such as dial, transfer unsupervised, transfer supervised, conference, hold or pop which may be invoked through context sensitive menus displayed on said video display peripheral.]

wherein the dialer program is configured to retrofit a dialer representation on a title bar of a window of the at least one application program only when the at least one application program is active,

wherein, when a user selects, via the keyboard or pointing device, the retrofitted dialer representation, the dialer program accesses the phone book file to search for a phone number to be dialed by the dialer program, and

wherein the searching of the phone book file is based on a search key, the search key comprising text that is displayed in a window of the at least one application program and highlighted by the user via the keyboard or pointing device before the user selects the retrofitted dialer representation.

2. (Amended) The apparatus of claim 1 wherein said dialer program [controls said computer to display a dialer icon on said video display] retrofits the dialer representation so as to always be visible on a title bar of a window of an active application program [regardless of which program is currently controlling execution of said computer].

3. (Amended) The apparatus of claim 2 wherein said dialer program [controls said computer so as control said video display to display said dialer icon in or] retrofits the dialer representation near the title bar of [the] a currently active window [in which the displays created by the] of a currently active application program [are displayed].

4. (Amended) The apparatus of claim 2 wherein said dialer program [controls said computer so as control said video display to display said] also displays a dialer icon in or near the system tray of a Windows 95 operating system driven desktop video display.

5. (Amended) The apparatus of claim 1 wherein said dialer program [controls said computer to control said video display to display] displays one or more drop down menus when a pointing device click on said dialer [icon] representation is detected, the menu options displayed on said drop down menus being dependent upon whether the user is or is not currently engaged in a telephone conversation via said TAPI [telephony] device.

6. (Amended) The apparatus of claim 1 wherein said dialer program [controls said computer to control said video display to display] displays one or more drop down menus when a hot key combination event is detected comprising pressing a predetermined combination of several keys on said keyboard [peripheral simultaneously] simultaneously, the menu options displayed on said drop down menus being dependent upon whether the user is or is not currently engaged in a telephone conversation via said TAPI [telephony] device.

7. (Amended) The apparatus of claim [4] 1 wherein said dialer program [controls said computer to store] stores names and telephone numbers in [a] the phone book file stored in memory or on a hard disk of said computer and [to control said video display to display] displays menu options which depend upon one or more of the following factors:

whether the user has any text or numbers selected in a window of the current application program;

whether the selected text or numbers appear to contain a phone number or not;

if not a phone number, whether the selected text matches any stored name in [an phone book file stored in memory or on a hard disk peripheral of said computer] the phone book file;

whether or not the user [of said computer] is or is not currently using said TAPI [telephony] device in an ongoing telephone conversation; and

regardless of whether the user is or is not currently engaged in a telephone conversation, whether or not a telephone number has been highlighted in a window of the current application program.

8. (Amended) The apparatus of claim 7 wherein said dialer program further [controls said computer to control said video display to display] displays menu options which depend upon one or more of the following factors:

if the selected text does not contain a phone number and does not match a name in said phone book file, whether the selected text appears to be a URL.

9. (Amended) The apparatus of claim 8 wherein [one of the] an application [programs] program controlling said computer is a web browser program and wherein said dialer program controls said computer to launch said web browser if the user has selected text in the active window of the active application program which is a URL and to cause said web browser to open the web page located on the world wide web at the URL which is highlighted.

10. (Amended) The apparatus of claim 1 wherein said dialer program [controls said computer to control said video display so as to display] displays all available telephony function options in a menu when a hot key combination is pressed [or a pointing device click on a dialer icon is detected] with the available options for the particular context displayed in contrasting color to options which are not available.

11. (Amended) The apparatus of claim 1 wherein said dialer program [controls said computer to control said video display so as to display] displays all available telephony function options in a menu when [a hot key combination is pressed or] a pointing device click on a dialer icon is detected with the available options for the particular context displayed in contrasting color to options which are not available.

12. (Amended) The apparatus of claim 1 wherein said dialer program [controls said computer to control said video display so as to display] displays all available telephony function options in a menu when a hot key combination is pressed or a pointing device click on a dialer icon is detected with the available options for the particular context signalled to the user [in any way].

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14. (Amended) A [process for controlling] method for a computer coupled to a telephony device to implement telephony functions, comprising:

[determining the active program which is currently controlling a computer and adding telephony functions to said active program some or all of which it may not have previously had and wherein said telephony functions can be carried out by a user by invoking selections from a telephony menu.]

executing, on an operating system platform, a dialer program and at least one application program that differs from the dialer program,

wherein the at least one application program does not comprise a telephone application program or an operating system navigation utility, and

wherein the dialer program has an associated phone book file, the phone book file not being associated with the at least one application program;

by the dialer program, determining activity status of the at least one application program;

by the dialer program, retrofitting a dialer representation on a title bar of a window of the at least one application program only when the at least one application program is active;

by the dialer program, accessing the phone book file to search for a phone number to be dialed by the dialer program, the accessing being triggered when a user selects, via an input device, the retrofitted dialer representation; and

by the dialer program, searching the phone book file for the phone number based on a search key, the search key comprising text that is displayed in a window of the at least one application program and highlighted by the user via the input device before the user selects the retrofitted dialer representation.

17. (Amended) [A process for controlling a computer coupled to a telephony device to implement telephony functions,] The method of claim 14, further comprising determining [the] an active program which is currently controlling [a] the computer and adding dial, conference, transfer and hold telephony functions to said active program [all of which said active program may not have previously had] and wherein said dial, conference, transfer and hold telephony functions can be carried out by a user by invoking selections from a telephony menu.

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18. (Amended) [A process for controlling a computer coupled to a telephony device to implement telephony functions,] The method of claim 14, further comprising [determining the active program which is currently controlling a computer and] adding one or more telephony functions to [said] an active application program including the ability to determine if a highlighted section of text in the active window painted by said active program is a phone number or a name and if[, the highlighted text is a name, looking up the phone number for the name in [a file maintained on said computer] the phone book file and [controlling said computer to display] displaying menu options for dial and pop which the user can select, and, if the dial option is selected, [for controlling said computer to control] controlling said [telephony] TAPI device to dial the number, and if the pop option is selected, controlling said computer to launch an application process which stores records of people or organizations which can be searched by name or telephone number and searching a file of people or organizations maintained on said computer using the highlighted name or phone number and displaying any record which matches the name or number[, and wherein said telephony functions added to said active program are telephony functions which said active program may not have previously had].

Claims 13, 15, and 16 have been cancelled.

New claim 19 has been added.

End of Appendix